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Items 117 and 121 of the
preliminary list*
INFORMATION FROM NON-SELF-GOVERNING
TERRITORIES TRANSMITTED UNDER
ARTICLE 73 e OF THE CHARTER OF THE
UNITED NATIONS
QUESTION OF EAST TIMOR

SECURITY COUNCIL
Forty-eighth year

Note verbale dated 21 May 1993 from the Permanent Mission of Portugal to the United Nations addressed to the Secretary-General

The Permanent Representative of Portugal to the United Nations presents his compliments to the Secretary-General of the United Nations and has the honour to transmit herewith the text of a communiqué by the Ministry of Foreign Affairs of Portugal on the sentence pronounced against Xanana Gusmão on 21 May 1993 (see annex).

The Permanent Representative of Portugal to the United Nations has the honour to request that the present letter and its annex be circulated as an official document of the General Assembly, under items 117 and 121 of the preliminary list, and of the Security Council.

* A/48/50.

ANNEX

Communiqué issued on 21 May 1993 by the Ministry of Foreign Affairs of Portugal on the sentence pronounced against Xanana Gusmão

1. The Indonesian authorities have just sentenced Xanana Gusmão, the leader of the East Timorese resistence to the Indonesian occupation of East Timor, to life imprisonment, according to a sentence that was read today in the Dili court where he had been on trial since the 1st of February last.

2. This iniquitous decision has culminated a process that since the very beginning, as was promptly denounced by the Portuguese Government, was fraught with the gravest irregularities and outrages carried out against a whole background of illegitimacy and violence.

3. Xanana Gusmão was submitted to a political trial, to a farce staged by an illegitimate power, that illegally occupied a non-self-governing territory while its decolonization was under way, disrespecting the most elementary principles of the United Nations Charter and of International Law, and refusing until now to abide to the resolutions on East Timor adopted by the General Assembly and the Security Council. The violence that has been commited against the population, the systematic abuse of human rights, the prepotent and arbitrary use of force, indicated that nothing could be expected from the justice that the Dili Court was going to hand down on Xanana Gusmão, once he had been captured by the Indonesian military forces.

4. As the Portuguese Government had the opportunity to point out at the beginning of the trial, Indonesia lacks any political, moral or legal authority to trial whoever will try to put a stop to the illegal situation prevailing in the territory and to reestablish the essential rights of the East Timorese and to enforce the rules and principles universally recognized by the international community. The Jakarta Government should be the one to be tried for what it has done in East Timor.

5. The procedures that took place in the Dili Court added to the arbitrarinesses already denounced since his imprisonment with another series of scandalous prepotences. They included denying to the defendant the right to read his defence before the court (in violation of Indonesia's own

law); the coercion inflicted upon the witnesses (one of them, Saturnino da Costa Belo, who refused to colaborate, was immediatly declared insane, and subsequently beaten and subjected to ill treatment in prison); threats made against the defendant (of which several of his relatives were in prison); the opposition to further visits to be made by the International Red Cross,etc.

In addition, the assurances given by the Indonesian authorities that free access to the trial would be granted to diplomats, journalists and international observers were not fulfilled. They went as far as to deny the representative of the United Nations the possibility to attend two sessions of the trial, as well as to diplomats of various countries. Prevention to enter the court room and supression of sound were used to eliminate any possibility of the defendant to be heard when he was striving to read his defence.

6. The Indonesian authorities tried to use as a political weapon the initial statements made by Xanana Gusmão when he was under unacceptable physical and moral coercion. They had expected to discredit and totally submit him. When they understood that this was not so, and that the defendant had prepared his political defence and that he was ready to read it in court, they irresponsibly accused the personal envoy of the Secretary General of the United Nations, Mr. Amos Waco, Attorney General of Kenya, of inducing him to do so.

7. The Dili trial ended up by backfiring on the occupation authorities. The deposition that Xanana Gusmão courageously tried to read before the court and that is now known to the public denounces the illegalities that characterized the whole process as well as all the manipulation that was used to obtain his submission as a means of seeking to consolidate the illegal occupation of East Timor by Indonesia.

8. The inhumane sentence that has now been announced is another form of violence carried out against the East Timorese people, revealing the occupant's exasperation and the disregard that it shows towards the international criticism of its actions, as revealed by the recent resolution approved by the United Nations Human Rights Commission.

On denouncing it, Portugal underlines the strong contradiction that exists between this behaviour and the wish proclaimed by Indonesia to achieve through dialogue, a just, comprehensive and internationally acceptable settlement to this problem.

The sentence of Xanana Gusmão is another serious warning given to the international community on the necessity to urgently achieve such a settlement, that will have to be based on respect for international legality, for the rights of the people and of the individuals, in particular for the right to self determination, without which it will be impossible to solve the question of East Timor as it has been demonstrated once again.